

REHABILITATION DEPARTMENT

The 12th November, 1974

No. 15789.—In pursuance of the provision of sub-section (2) of section 56 of the Punjab Municipal Act, 1911, the Governor of Haryana is pleased to resume the open space specified in the schedule below :—

SCHEDULE

Model Town

Sonepat

Description of open space.

Location	Area
One open space earmarked for Park situated in Model Town—Sonepat	9,568 Sq. Yards

SARNAGAT SINGH, Under Secy.

DEVELOPMENT AND PANCHYAT DEPARTMENT

The 19th November, 1974

No. A 2-Pts-74/42953.—The Governor of Haryana is pleased to retire Shri Amir Singh, principal, State Community Development Training Centre, Nilokheri from Government service on 14th October, 1974 (F. N.) on attaining the age of superannuation.

KULWANT SINGH, Secy.

**PUBLIC WORKS DEPARTMENT
BUILDINGS AND ROADS BRANCH**

Rohtak Circle

The 5th September, 1974

No. 28RA/269.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at public expense, for the public purpose, namely, for the constructing of a road from Ladpur-Munipur road in Rohtak District, it is therefore hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern under the provision of section 7 of the said act. The Land Acquisition Collector, Haryana, P.W.D., (B. & R.) Branch, Ambala Cantt., is hereby directed to take order for the acquisition of said land.

Plan of land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D., (B. & R.) Branch, Ambala Cantt., and Executive Engineer Rohtak Provincial Division Rohtak.

SPECIFICATION

District	Tehsil	Locality/Village and Hadbast	Area in acres	Killa No.
Rohtak	Jhajjar	Ladpur	6.02	94, 78, 68, 109, 243, 72, 73, 70, 71 43
				15, 6, 7, 19, 20, 21 44
				86, ——————, 133, 476 25/1, 25/2 53
				4, 5, 7, 8, 12, 13, 19, 20, 21/1, 21/2, 2, 3 52
				—————, 61/25, 21/1, 25/2

District	Tehsil	Locality/Village and Hadbast	Area in acres	Killa No.
Rohtak—concl'd	Jhajjar— concl'd	Ladpur— concl'd	6.04— concl'd	60
			4, 5, 7/1, 7/2, 8/1, 13/1, 13/2, 14, 18, 12,	
				60
			19/1, 19/2, 20, 21/1, 21/2, 22	
			62	
			5/1, 5/2, 63/1, 282, 86,	
			37	42
			1, 10, 11, 20, 21, 127, 83	1, 10, 11
Do	Do	Bamnaula	4.82	27
			5/1, 5/2, 6, 7/1, 7/2, 8, 14/1, 142/1, 13/1,	
				27
			13/2, 18, 19/1, 19/2, 20, 21/1, 21/2, 22/1,	
			27	33
			31	
			12, 18, 1/1, 4, 5/1, 5/2, 6/1, 7, 8, 13, 293, 138/1, 85, 96, 95	6
				37
			9, 10, 11, 12, 20, 12, 13, 14, 17, 18, 19	
			36	47
			16, 25	
			5/1, 5/2, 6/1, 6/2, 15, 14/1, 14/2	
			47	
			17/1, 17/2, 23, 27, 24/1	
			290, 291, 292, 275, 86, 23	
			51	50
			23, 22, 21	
			3, 2, 1	25
				58
			4/1, 4/2, 3/1, 3/2, 2/2, 8, 9, 12, 19/1, 5	
			102, 120, 123, 114, 106, 122	

No. 28 RA/270.—Whereas the Government of Haryana is satisfied that land directed below is needed by the Government, at public expense, for a public purpose, namely, for constructing a road from Ohri to Garaunti in Rohtak District, it is hereby declared that land described in the specification below is required for the aforesaid purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provision of section 7 of the said Act, the Land Acquisition Collector, Haryana, P. W. D. (B. & R.) Branch, Ambala Cantt, is hereby directed to take order for the acquisition of the said land.

Plan of land may be inspected in the offices of the Land Acquisition Collector, Haryana, P. W. D., B. & R. Branch, Ambala Cantt, and Executive Engineer, Provincial Division, Rohtak.

SPECIFICATION

District	Tehsil	Locality/Village and Hadbast	Area in acres	Rectangle/Killa No.
Sonepat	Gohana	Garanthi	9.87	3 19, 20, 21, 22
				17 1, 2, 9, 10, 11, 12, 19, 20, 21, 22
				22 1, 2, 9, 10/1, 10/2, 11, 12, 19, 20, 21, 22
				38 1, 2, 9/1, 9/2, 10, 11, 12, 19, 20, 21, 21/1, 22/2
				43 1, 2, 9, 10, 11, 12, 19/1, 19/2, 22, 23
				60 3/1, 3/2, 7/8, 14/1, 14/2, 16, 17, 25/1, 25/2
				67 5/1, 5/2,
				68 1/1, 1/2, 10/1, 10/2, 11, 12, 19/1, 19/2, 22, 23
				82 3/1, 3/2, 7, 8, 13, 14, 16, 17, 24, 25
				92 5/1, 5/2, 6
				93 10, 11/1, 11/2, 19, 20, 22/1, 22/2
				104 2/1, 2/2, 8/1, 8/2, 11, 15/1, 15/2, 17/1, 17/2, 23, 18, 24/1, 24/2
				116 3/1, 3/2, 8, 9, 12, 13, 18, 19, 21, 22/1, 22/2, 116
				944, 959, 960, 440, 446,

District	Tehsil	Locality/Village & Hadbast	Area in acres	Rectangle/Killa No.
Sonepat	Gohana	Chiri	5.18	173
				18, 22, 23
				192
				2, 3, 8, 9, 12/1, 12/2, 12/3, 11, 13, 19, 20, 21, 22
				203
				9, 10, 11, 12, 19, 20/1, 21, 22
				220
				1, 2/1, 2/2, 9, 10, 11/1, 11/2, 12, 19, 20, 21, 22
				228
				1, 2, 9, 10, 11, 12, 19, 20, 21, 22
				243
				1, 2, 9, 10, 11, 12, 19, 20, 410, 411, 412, 413, 414, 416, 417, 422, 423, 1139, 1141, 1142.
Total			15.05	

H. C. KHUNGER,
Superintending Engineer,
Rohtak Circle, P.W.D., (B. & R.) Branch.

लोक निर्माण विभाग
सिचाई शाखा हरियाणा
मुख्य कार्यालय, चण्डीगढ़
दिनांक 21 नवम्बर, 1974

क्रमांक 7624/प्रशासन/सब/2021/46.—श्री अमर नाथ रैलन, अधीक्षक, सिचाई विभाग, हरियाणा, चण्डीगढ़, जो आज कल कुरुक्षेत्र विकास बोर्ड को डेपुटेशन पर हैं, दिनांक 21 नवम्बर, 1974 अमराहन को निर्वतन आयु को प्राप्त होने पर सरकारी सेवा से निवृत्त हो गए हैं।

ए. डी. चौधरी.

मुख्य इच्छीनियर,
सिचाई विभाग, हरियाणा,
चण्डीगढ़।

IRRIGATION DEPARTMENT

The 19th November, 1794

No. 278/5-L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by Government, at public expense, namely, for the construction of Pandit Jawaharlal Nehru Canal from R.D. 17,455 metres to R.D. 33,580 metres in villages Nainsukhpura, Dohkia, Balawaszamapur, Kishangarh, Bikaner, Rajpurkhalsa, Lisana Gokalgarh, Dhoki, Rewari and Qutabpuri Jagir of tehsil Rewari, district Mahendragarh, for which notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said Act and published, — vide Haryana Government notification No. 154/5-L, dated 12th November, 1974, in Haryana Government Gazette Part I, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation and Power, Ambala and the Executive Engineer, Pandit Jawaharlal Nehru Canal Construction Division No. I, Rewari.

SPECIFICATIONS

District	Tehsil	Village	Area in acres	Area in hectares	Badbast Number	Boundaries	
						Rectangle Number	Killa numbers in part
A strip of land measuring 16,125 metres in length varying in widths and comprising of Killa numbers as below :—							
Mahindragarh	Rewari	Nalnsukhpura	32.25	13.05	227	7	20 and 21
						8	5, 6, 7, 14, 15, 16, 17 and 23
						9	5 and 6
						10	1, 9, 10, 11, 12, 19, 20, 21, 22 and 23
						21	2, 3, 8, 9, 12, 14, 17, 18, 23, and 24
						23	3, 4, 5, 6, 7, 14, 15, 16, 17 and 25
						24	20 and 21
						31	1, 9, 10, 11, 12, 18, 19, 20, 22 and 23
						33	5 and 6
						33	2, 3, 8, 9, 13, 14, 17, 18, 23, 24 and 25
						41	3, 4, 5, 6, 7 and 15
						42	13, 17, 18, 23 and 24
						48	10, 11, 19, 20, 21, 22 and 23
						49	3, 4, 5, 6, 7, 15 and 16
						52	2, 3, 7, 8, 9, 13, 14, 15, 16, 17, 24 and 25
						53	21
						55	1, 2, 8, 9, 10, 11, 12, 13, 17, 18, 19, 23, 24 and 25
						57	5
						59	3, 4, 5, 6, 7 and 15
						60	10 and 11

District	Tehsil	Village	Area in acres	Area in hectares	Hadbast Number	Boundaries
Mahindragarh	Rewari	Dohkia	4.97	2.01	107	15 5 and 6 27 21, 20 and 22 28 3, 4, 6, 7, 14, 15, 16, 17 and 25 41 5 and 6 42 1, 2, 9, 10, 11, 12, 13, 18, 19 and 23
Do	Do	Balawasza-mapur	4.15	1.68	109	13 6, 7, 15 and 16 14 11, 12, 19, 20, 21, 22 and 23 15 2, 3, 4, 7, 8, 9, 13, 14 and 17
Do	Do	Kishangarh	15.07	6.10	110	15 7, 14, 15, 16, 17, 24 and 25 16 20 and 21 25 1, 2, 9, 10, 11, 12, 13, 17, 18, 19, 23 and 24 26 5 28 3, 4, 5, 6, 7, 15 and 16 29 10, 11, 19, 20, 21, 22 and 23 34 21 35 2, 3, 7, 8, 9, 13, 14, 15, 16, 17, 24 and 25 42 5 43 1, 2, 9, 10, 11, 12, 13, 17, 18, 19, 23 and 24 45 3 and 4
Do	Do	Bikanei	1.33	0.54	221	8 24 9 4, 5, 6 and 7 10 10
Do	Do	Rajpura Khalsa	5.59	2.26	111	5 10, 11, 19, 20, 21, 22 and 23 6 6, 7, 15 and 16 19 2, 3, 7, 8, 9, 13, 14, 15, 16, 17, 24 and 25 20 21 21 1 22 5

District	Tehsil	Village	Area in acres	Area in hectares	Habbast Number		Boundaries
Mahindrāgarh	Rewari	Lisana	32.12	13.00	220	9	6
					10	1, 2, 9, 10, 11, 12, 13, 17, 18, 19, 23, 24 and 25	
					20	10, 11, 12, 19, 20, 21, 22 and 23	
					21	3, 4, 5, 6, 7, 15 and 16	
					25	2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 17, 24 and 25	
					26	21	
					39	1, 2, 9, 10, 11, 12, 13, 17, 18, 19, 23 and 24	
					40	5	
					43	3, 4, 5, 6, 7, 15 and 16	
					44	10, 11, 19, 20, 21, 22 and 23	
					53	21	
					54	10, 11, 12, 17, 18, 19, 20, 23, 24 and 25	
					55	2, 3, 4, 6, 7, 8, 9, 14, 15 and 16	
					61	4 and 5	
					62	1, 2, 3, 7, 8, 9, 10, 13, 14, 15, 16 and 17	
					63	11, 18, 19, 20, 21, 22, 23, 24 and 25	
					66	19, 20, 21, 22 and 23	
					67	1, 2, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 25	
					68	3, 4, 5 and 6	
					78	2 and 3	
Do	Do	Gokalgadh	8.20	3.32	119	28	23 and 24
						33	20, 21, 22 and 23
					34	1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24 and 25	
					35	3, 4, 5, 6, 7 and 15	
					58	1, 2, 3, 4, 6, 7, 8, 14 and 15	
					59	10 and 11	
					60	1, 2, 8, 9, 10, 13, 14 and 18	
					61	4 and 5	

District	Tehsil	Village	Area in acres	Area in hectares	Badbast Number	Boundaries
Mahindragarh	Rewari	Dhoki	15.67	6.34	120	36 21
					37	10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24 and 25
					40.	1, 2, 8, 9, 13, 14, 17, 18, 24 and 25, 16
					41	21
					47	21
					48	1, 2, 8, 9, 10, 12, 13, 14, 16, 17, 18, 24 and 25
					49	5
					53	5
					54	1, 2, 9, 10 and 12
Do	Do	Rewari	32.94	13.33	125	4 8 9, 12, 13, 14, 16, 17, 18, 24 and 25
					10	21
					15	21
					16	1, 2, 8, 9, 10, 12, 13, 14, 16, 17, 18, 24 and 25
					17	5
					30	5
					31	1, 2, 8, 9, 10, 12, 13, 14, 16, 17, 18, 24 and 25
					32	21
					34	21
					35	1, 2, 8, 9, 10, 12, 13, 14, 16, 17, 18, 24 and 25
					36	5
					70	5
					71	1, 2, 9, 10 and 11
					113	6, 15, 16 and 25
					114	10, 11, 20 and 21
					115	1, 10, 11, 20 and 21
					116	5, 6, 15, 16 and 25
					151	5, 6, 15, 16 and 25
					152	1, 10 and 11

District	Tehsil	Village	Area in acres	Area in hectares	Budget Number	Khasra Nos.
Mahendra-garh	Rewari	Qutabpuri-jagir	12.68	5.13	205	7 21
					8	2, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 24 and 25
					9	5
					10	1, 2, 8, 2, 10, 11, 12, 13, 14, 16, 17, 18, 19, 23, 24 and 25
					11	21
					14	1, 10 and 11
					15	4, 5 and 6

Generally lying in the direction of North-West to South-East as shown on Index Plan and as demarcated at site.

By order of the Governor Haryana,

A. R. SETHI,

Superintending Engineer
B.N.C. Canal Circle No. I,
Rohtak.

LABOUR AND EMPLOYMENT DEPARTMENT

The 5th November, 1974

No. 9994-4 Lab-74/34499.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s National Pipe Industries Ballabgarh:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 242 of 1971

between

SHRI SHYAM LAL AND THE MANAGEMENT OF M/s. NATIONAL PIPE INDUSTRIES,
BALLABGARH

Present.—

Shri Roshan Lal Sharma for the workman.

Nemo for the management.

AWARD

By order No. ID/FD/745/71/35656—60, dated 30th November, 1971 of the Governor of Haryana, the following dispute between the management of M/s National Pipe Industries, Ballabgarh and its workman Shri Shyam Lal was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Shyam Lal was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference usual notice were given to the parties. The workman concerned has not come forward to pursue his claim and his authorised representative Shri Roshan Lal Sharma has also not filed any statement of claim on his behalf. Service of the management even has not been effected and the notices issued for a number of dated of hearing fixed in the case have been received back unserved with the report that the factory has since been closed and does not exist on the address given in the case. The authorised representative of the workman was directed to furnish correct address with full particulars but he has failed to do so. It has been stated that the workman concerned is not available and he is, therefore, unable to pursue the case.

In the circumstances, the reference cannot proceed and the presumption is that there is, in fact, no dispute between the parties. A no-dispute award is, therefore, given but without any order as to costs:

O. P. SHARMA,

Dated 22nd October, 1974

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2545 dated 28th October, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10016-4Lab-74/34503.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Steel Tubes, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 169 of 1972

between

SHRI SOBHA RAM AND THE MANAGEMENT OF M/s HARYANA STEEL TUBES,
MATHURA ROAD, FARIDABAD

Present:-

Nemo for the workman.

Memo for the management.

AWARD

The following dispute between the management of M/s Haryana Steel Tubes, Mathura Road, Faridabad and its workman Shri Sobha Ram was referred for adjudication to this court vide—order No. ID/FD/72/20093, dated 2nd June, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Sobha Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference usual notices were given to the parties. The workman did not file any statement of claim. In the written statement filed on behalf of the management it was urged that this workman had been appointed in the month of April, 1969 as a Grinder and after working till 14th January, 1972 he had received his wages and other dues on 31st January, 1972. It was further stated that he remained absent from duty till 9th March, 1972 when his name was struck off the rolls. After filling the above written statement none has appeared on behalf of the management. The workman concerned did not file any replication. He was directed to produce ex parte evidence in support of his claim. No evidence has been produced. He has not even appeared himself to make his statement on oath. His authorised representative is also not present.

In the circumstances, the presumption is irresistible that the workman concerned has himself abandoned services and realised his dues as alleged by the management. The issue involved is accordingly decided against him, holding that no industrial dispute infact, exist between the parties and the workman is not entitled to any relief. The award is made accordingly but without any order as to costs.

Dated the 23rd October, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2547, dated the 28th October, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10011-4Lab-74/34505.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Auto Complex (P) Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 238 of 1971

between

SHRI RUP RAM AND THE MANAGEMENT OF M/S AUTO COPLEX (P) LTD.,
FARIDABAD

Present.—

Shri Roshan Lal Sharma, for the workman.

Memo, for the management.

AWARD

By order No. ID/FD/621/71/34407-11, dated 23rd November, 1971 of the Governor of Haryana, the following dispute between the management of M/s Auto Complex (P) Ltd., Faridabad and its workman Shri Rup Ram was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Rup Ram, was justified and in order ? If not, to what relief is he entitled ?"

On receipt of the order of reference usual notices were given to the parties. The workman concerned has not come forward to pursue his claim and his authorised representative Shri Roshan Lal Sharma has also not filed any statement of claim on his behalf. Service of the management has not been effected and the notices issued for a number of dates of hearing fixed in the case have been received back unserved with the report that the factory has since been closed and does not exist on the address given in the case. The authorised representative of the workman was directed to furnish correct address with full particulars of the management but he has failed to do so. It has been stated that the workman concerned is not available and he is, therefore, unable to pursue the case.

In the circumstances, the reference can not proceed and the presumption is that there is, infact, no dispute between the parties. A no dispute award is, therefore, given but without any order as to costs.

The 27th October, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2544, dated the 28th October, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9993-4 Lab-74/34507.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Chemical Vessals (P) Ltd, Ballabgarh.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK**

Reference No. 134 of 1972

Between

**SHRI SATISH KUMAR RAI AND THE MANAGEMENT OF M/S CHEMICAL VESSELS
(P) LTD; PLOT NO. 119, BALLABGARH**

Present.—

Shri Bhim Singh Yadav for the workman.

Nemo for the management.

AWARD

Shri Satish Kumar Rai workman concerned was in the service of M/s Chemical Vessals, (P) Ltd, Plot No 119, Ballabgarh since the 7th December, 1970. The management allegedly terminated his services on the 19th October, 1971, but without any reasonable ground. This gave rise to an industrial dispute. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial disputes Act, 1947 referred the dispute for adjudication to this court,—*vide* order No. ID/FD/639-A-72/11395-99 dated 3rd April, 1972, with the following term of reference.

“Whether the termination of services of Shri Satish Kumar Rai was justified and in order ? If not, to what relief is he entitled ?”

The parties put in their respective pleadings. The workman concerned reiterated his claim for reinstatement and payment of back wages as earlier raised through the demand notice dated 18th December, 1971 which forms part of the present reference. The management contested his claim pleading *inter alia* that it was, in fact, a case of self abandonment of service by the workman and his services had not been terminated by the management. It was further pleaded that the demand, the subject matter of the reference, had not been first raised on the management and rejected by it before taking up the matter for conciliation.

From the pleadings of the parties the following issues arose for determination in the case :—

1. Whether the demand, the subject matter of the present reference, was first raised or the management and rejected by it before taking up the matter for conciliation ? If not to what effect ?
2. Whether it is a case of self abandonment of service by the workman as alleged by the management ?
3. Whether the termination of services of Shri Satish Kumar Rai was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for evidence of the parties on issues Nos. 1 and 2 which have been treated as preliminary issues. Shri Bhim Singh Yadav who had given the demand notice leading to the present reference and represents the workman concerned has stated that inspite of several letters written to the workman, there is no response from him. He has further stated that the workman may have joined service some where else and for that reason he is not interested in the present reference. In any case, in the absence of the workman and for want of necessary instructions from him, he is not in a position to lead any evidence in support of his claim and refute the pleas raised by the management.

In view of the above no further proceedings are called for in the case and in the absence of evidence to the contrary the pleas raised by the management that it was a case of self abandonment of service by the workman and that he had not properly raised the demand, the subject matter of the reference, direct on the management before taking up the matter for conciliation have to be believed. Issues Nos. 1 and 2 are accordingly decided in favour of the management and against the workman.

In view of my above findings on issues Nos. 1 and 2, issue No. 3 does not arise for consideration for the simple and obvious reason that it being a case of self abandonment of services by the workman himself, the question of the termination of his services by the management did not arise and no industrial dispute existed between the parties which could validly be referred for adjudication, all the more so because the demand had not been first raised on the management and rejected by it before taking up the matter for conciliation so as to constitute an industrial dispute according to the rule of law laid down by Hon'ble the Supreme Court in the Sindhu Resettlement Corporation case.

For the reasons aforesaid, the reference is answered against the workman concerned holding that no industrial dispute existed between the parties which could validly be referred for adjudication to this court. There shall be no order as to costs.

Dated the 22nd October, 1974.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No: 2546, dated 28th October, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 12th November, 1974

No. 10316-4Lab-74/34529.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Ramesh Safe and Carding Works, Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 44 of 1973

between

SHRI CHATTAR SINGH AND THE MANAGEMENT OF M/S RAMESH SAFE AND CARDING WORKS, RAILWAY ROAD, PANIPAT

Present.—

Shri Raghbir Singh, for the workman.

Nemo, for the management.

AWARD

By order No. ID/KNL/49-A-73/31920-242, dated 5th July, 1973 of the Governor of Haryana, the following disputes between the management of M/s Ramesh Safe and Carding Works, Railway Road, Panipat and its workman Shri Chattar Singh was referred the dispute for adjudication to this Court, in exercise of the powers conferred by clause (2) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Chattar Singh was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties. The workman concerned has filed the statement of claim reiterating his claim for reinstatement and back wages, as earlier raised through the demand notice dated 16th January, 1973, leading to the present reference, alleging that his services had been terminated by the management illegally and without any justification with effect from 5th January, 1973. The management has not appeared nor any written statement has been filed inspite of service. The case has therefore been proceeded *ex parte* against the management.

Shri Chattar Singh workman concerned has made his statement on oath that he had joined service in this factory sometime in 1970-1971 as a Condenserman and the management had terminated his services on 5th January, 1973 without any notice or charge-sheet when he was getting Rs 130 P.M. He has further stated that there had never been any complaint against his work. According to him he approached the management several times for his reinstatement but the management did not listen to him. He then gave the demand notice but no reply was received from the management. The management did not appear in Conciliation proceedings also. He has further deposed that he has not been gainfully employed anywhere during the intervening period except for getting Casual labour now and then.

I have heard the learned representative of the workman and considered the facts on record. There is apparently no reason to disbelieve the statement on oath of the workman concerned especially when the management is not coming forward to contest his claim inspite of due service. He had put in service in this factory for three years and according to him there had never been any complaint against his work or conduct. The management had, therefore, no justification in throwing him out of job without any fault on his part.

The issue involved is, therefore, decided in favour of the workman holding that the termination of his services by the management is not justified, and in order and, in the result, he is entitled to reinstatement with continuity of his previous service and half of the back wages he was drawing before the termination of his services. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2595, dated the 7th November, 1974.

Forwarded (Four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 10321-4Lab-74/34531.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Haryana Steel and Alloys Limited, Murthal.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 56 of 1973

between

SHRI HANUMAN PARSAD AND THE MANAGEMENT OF M/S HARYANA STEEL AND
ALLOYS LIMITED, G.T. ROAD, MURTHAL

Present.—

Nemo, for the workman.

Dr. Anand Parkash, for the management.

AWARD

Shri Hanuman Parsad was in the service of M/s Haryana Steel and Alloys Limited, G.T. Road, Murtial since 12th January, 1972 at Rs. 500 P. M. The management allegedly terminated his services, with effect from 29th October, 1972 without any justification. Feeling aggrieved, he gave the demand notice on 31st October, 1972, whereupon conciliation proceedings were started which, however, ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred the dispute for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/FD/73/212/38020-24, dated 6th September, 1973, with the following term of reference :—

“Whether the termination of services of Shri Hanuman Parsad was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties and they put in their respective written statements. The workman concerned reiterated his demand for reinstatement and payment of back wages, as earlier raised through, the demand notice dated 31st October, 1972, alleging that he had completed service for more than 240 days continuously and the termination of his services had been brought about by the management in an illegal and unjustified manner, without paying him service compensation or notice pay. On the other hand, the management contested his claim on merits on the ground that his appointment was only on probation and since his performance, work and conduct was not found to be satisfactory inspite of the extension of the probation period the termination of his services had been effected by the management in the bona fide exercise of its contractual powers *vide* letter dated 25th October, 1972. The management further raised certain legal objections, pleading, *inter alia*, that the demand, the subject matter of the reference had not been first raised on the management and rejected by it before taking up the matter for conciliation and as such no industrial dispute existed as defined under section 2(j) of the Industrial Disputes Act, 1947 which could validly be referred for adjudication.

From the pleadings of the parties, the following issues arose for determination in the case :—

1. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ?
2. Whether the statement of claim filed in the case is at variance with the demand notice as alleged in para No. 3 of the preliminary objections and, therefore, this court has no jurisdiction to adjudicate upon the matter in issue ?
3. Whether the workman is estopped from challenging the validity and legality of the appointment letter dated 18th June, 1972 ?
4. Whether the termination of services of Shri Hanuman Parsad was justified and in order ? If not, to what relief is he entitled ?

Issues Nos. 1, 2 and 3 have been treated as preliminary issues in the case. The workman concerned has tendered in evidence his appointment letter dated 8th June, 1972 Ex. W. 1 without leading any other evidence. The management has, produced the letter dated 17th July, 1972 extending the period of probation by 3 months Ex. M. 1 and the prescribed employment form Ex. M. 2 which purports to have been thumb marked by the present workman.

The case was fixed for arguments on the preliminary issues. The workman concerned has not turned up to pursue his claim. His authorised representative Shri M.S. Rathi has also not appeared. I have, therefore, heard the learned representative of the management and given due consideration to the facts on record.

The law is well settled. As laid down by Hon'ble the Supreme Court in the Sindhu Re-Settlement Corporation case, the demand has first to be raised on the management and rejected by it, before taking up the matter for conciliation, so as to constitute an industrial dispute within the meaning of the law which can validly be referred for adjudication. In view of the specific plea raised in the written statement that no demand had been made direct on the management, the burden was on the workman to show by leading cogent and convincing evidence that he had satisfied the above requirements of the law. He has, however, simply failed to discharge this burden. In fact, no evidence has been led by him, oral or documentary, to prove that he had first approached the management for his reinstatement before giving the demand notice to the conciliation Officer which forms part of the present reference, so much so that he has not even come forward to make his own statement on oath on this point and stand the test of cross-examination by the management. He has simply tendered in evidence his letter of appointment dated 8th June, 1972 Ex. W. 1 which shows that his appointment was on probation for 6 months and according to the letter dated 17th July, 1972 Ex. M. 1 produced by the management the probation period was extended by another 3 months. In the prescribed employment form Ex. M. 2 also it has been mentioned that his appointment was on probation.

In any case, the fact remains that before giving the demand notice dated 31st October, 1972 with copies to the Conciliation Officer whereupon conciliation proceedings were started, the present workman is not proved to have raised any demand direct on the management and that the same had been rejected by it. The mere communication of a copy of the said demand notice by the Conciliation Officer to the management was not sufficient to satisfy the requirements of the law as laid down by Hon'ble the Supreme Court in the aforesaid authority, so as to constitute an industrial dispute as defined under section 2 (j) of the Industrial Disputes Act. In the absence of the evidence to the contrary the plea raised on behalf of the management has got to be believed. Issue No. 1 is accordingly decided in favour of the management and against the workman holding that no industrial dispute within the meaning of the law existed between the parties and as such the present reference can not be held to be valid.

In view of my above finding on issue No. 1, it is not necessary to go into the other issues and the merits, of the case, although according to the showing of the workman himself his appointment was made on 8th June, 1972 and not on 12th January, 1972 as given in the demand notice, and further that his appointment was on probation and not on permanent basis. Since no industrial dispute within the meaning of the law existed between the parties as discussed above, the present reference is bad in law, without jurisdiction and stands to be rejected as such. The workman concerned is consequently not entitled to any relief by way of reinstatement or payment of back wages. The award is made accordingly. There shall, however, be no order as to costs.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 31st October, 1974

No. 2574, dated 1st November, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10318-4Lab-74/34533.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Hindustan Twyfords Ltd., now Hindustan Sanitaryware and Industries, Ltd., Bahadurgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 94 of 1970

Between

S/S HARI SWARUP SINGH AND OTHERS AND THE MANAGEMENT OF M/S HINDUSTAN
TWYFORDS LTD., NOW HINDUSTAN SANITARYWARE AND INDUSTRIES LTD.,
BAHADURGARH

Present—Shri A.P. Anand, for the workmen.

Shri J.L. Dhar, for the management.

AWARD

The management of M/s Hindustan Twyfords Ltd., Bahadurgarh now known as M/s Hindustan Sanitaryware and Industries Ltd., Bahadurgarh terminated the services of 29 of its workmen *vide* order dated 15th January, 1969. Feeling aggrieved, they raised a demand for reinstatement contending that their services had been terminated in an illegal manner and without any justification. There was no satisfactory response from the management. This gave rise to an industrial dispute. The matter was taken up for conciliation by means of the demand notice given through Shri Musafir the General Secretary of the Union. The conciliation also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred the dispute for adjudication to this court *vide* order No. 22419 dated 11th August, 1969, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference :—

“Whether the termination of services of the following workmen were justified and in order ? If not, to what relief are they entitled ?

1. Swarop Singh, 2. Musafir, 3. Mahatab Singh, 4. Sukh Raj, 5. Mangro Lal, 6. Dharamu,
7. Kuldip, 8. Jai Narain, 9. Shri Pat, 10. Jinku, 11. Ram Phal, 12. Raghu Nath, 13. Ram Phal,
14. Jagan Nath, 15. Umed Singh, 16. Ram Raj, 17. Keshoo Parshad, 18. Siri Kidhan, 19. Moti
- Lal, 20. Basant Lal, 21. Sakal Dip, 22. Surat Singh, 23. Jit Ram, 24. Vijay Bahadur, 25. Ram
- Charan, 26. Babu Nand Ram, 27. Ram Saroop, 28. Ram Phal and 29. Krishan Lal."

The parties put in their respective pleadings. The workmen concerned reiterated their claim for reinstatement as earlier raised through the demand notice referred to above. The management contested their claim pleading *inter alia* that a settlement had been arrived at between the parties on 17th July, 1971 and, therefore, they were not entitled to any relief in the present reference. It was further contended that Shri A.P. Anand who had appeared on behalf of the workmen concerned was not their duly and properly authorised representative.

From the pleadings of the parties, the following issues arose for determination in the case :—

- (1) Whether Shri A.N. Anand is not duly and properly authorised to represent the applicants ?
- (2) Whether the applicants are not governed by the settlement dated 17th July, 1971 ?
- (3) Whether the applicants have already received their dues under the settlement dated 17th July, 1971 and individually given up their claims for reinstatement ?
- (4) If so whether the applicants are competent to challenge the settlement ?

It will not be out of place to mention here that by order of Hon'ble the High Court in the case of M/s Gedore Tools Ltd., Faridabad and its workmen, the appointment of my learned predecessor Shri P.N. Thukral as the Presiding Officer of the Labour Court at Faridabad was held to be void. The dispute was re-referred by the Government to another Labour Court Faridabad,— vide order dated 31st July, 1970 and subsequently the head-quarter of that another Labour Court was shifted to Rohtak in November, 1970. The alleged settlement between the parties is stated to have been arrived at before the re-reference of the dispute. The parties have been heard with regards to the said settlement covered by issue No. 2 and the evidence led by them also relates to this issue.

The management has examined 6 witnesses including Shri R.N. Maheshwari, Time Office Incharge M.W. 1, Shri Dharam Singh, Timekeeper, M.W. 2, Shri Ram Kumar Sharma a worker in the factory M.W. 3, Shri Jai Bagwan Bansal, Despatcher M.W. 4, Shri Ram Sarup Chanda, Assistant, Labour Branch, Haryana Civil Secretariate Chandigarh M.W. 5 and Shri Kanwal Singh, Labour Officer-cum-Conciliation Officer, Sonepat M.W. 6. The documentary evidence relied upon by the management consists of the settlement dated 17th July, 1971 Ex. M.1, application of the workers and payment vouchers Exs. M. 2 to M. 15, applications for the refund of the Provident Fund made by the workmen Exs. M. 16 to M. 23.

On behalf of the workman 3 witnesses have appeared, namely, Shri Jit Singh, W.W. 1, Shri Kashow Parshad W.W. 2, and Shri Ram Charan W.W. 3. They have not produced any documentary evidence.

The case has been fully argued on both sides and I have very carefully gone through the entire evidence on records. The plea of settlement raised on behalf of the management covered by issue No. 2 appears to be very well founded and the same has been fully sustained by documentary as well as oral evidence. As already pointed out, the demand notice leading to the present reference was given by Shri Musafir, General Secretary of the Union. He is also a signatory to the memorandum of settlement in question Ex. M.1 along with Shri Swarup Singh workman concerned. The settlement Ex. M.1 was witnessed by 2 employees in the factory namely, Shri Sunder Dev Tiwari and Shri Rama Nand Maheshwari. It was attested by the Labour Officer-cum-Conciliation Officer Shri Kanwal Singh, M.W. 6 who has sworn testimony to the genuineness of this document. According to him, the settlement had been arrived at between the workmen represented by Shri Musafir and the management in his presence. Shri Musafir had represented the workmen in the conciliation proceedings also and as such he had the authority to enter into the settlement with the management. The workmen on whose behalf the said settlement has now been disputed could not have the courage to produce Shri Musafir as a witness in the present reference to make a statement on oath that no settlement had been arrived at between the workmen and the management as per terms and conditions given in the memorandum of settlement Ex. M.1.

There is another aspect of the case which deserves consideration here. The said settlement purports to have been arrived at with the management on behalf of all the 29 workmen for whom the dispute had been raised by Shri Musafir, General Secretary of the Union by means of the demand notice referred to above. Out of the 29 workmen covered by the reference only 3, namely, S/Shri Ram Swarup, Ram Charan and Mangru Lal have challenged the settlement, although the application made in this behalf is signed by 4 other persons, namely, Ram Phare, Ram Rattan, Ram Samujh and Mangru Lal (ii) who were not covered by the reference and as such are not the workmen concerned in the dispute. Out of the 3 contesting workmen named above only one Shri Ram Charan has come into the witness-box to deny the settlement. The other 2 workmen Ram Sarup and Mangru Lal have not even come forward to make their statements denying the settlement.

The matter does not end here. The management has brought documentary evidence on record to show that after the said settlement the workmen including Shri Ram Charan had received their dues, in full and

final settlement of their claims and had also applied for the refund of their Provident Fund amounts. Shri Ram Charan the only workman concerned out of the 29 workers on whose behalf me the present reference has been made has admitted the voucher Ex. M. 26 regarding full and final payment of his dues. Shri Jit Singh W.W. 1 and Shri Keshow Parshad W.W. 2 are not the workmen concerned and as such their testimony in denial of the said settlement carries no weight.

It would thus appear that the workmen concerned had, infact, entered into a settlement with the management through their authorized representative Shri Musafir, General Secretary of the Union who had raised the present dispute on their behalf and had further received payment of their dues, in full and final settlement of their entire claims against the management including the right of reinstatement or re-employment. This settlement had been arrived at between the parties in the presence of the Labour Officer-cum-Conciliation Officer who had attested the same and has sworn testimony to its genuineness. It was brought about before the reference of the dispute after the appointment of my learned predecessor Shri P.N. Thukral as the Presiding Officer of the Labour Court, Faridabad had been held to be void by Hon'ble the High Court, the original reference having been made before the passing of the said order. Out of the 29 workmen concerned only one has come forward to make a statement on oath to deny the settlement and he too has admitted the receipt of his dues in full and final settlement of his entire claims against voucher duly signed and admitted by him. Shri Musafir, the authorised representative of the workmen concerned who had given the demand notice and had appeared in the conciliation proceedings being a signatory to the memorandum of settlement was an important witness to state before the Court the circumstances under which the said settlement was brought about. The withholding of this important witness and his non-appearance to state the facts within his knowledge certainly give rise to a presumption that the settlement had, infact, been entered into by him with the management at the instance of all the workmen whom he represented. No reasonable explanation has been afforded for the non-production of this important witness nor has it been shown as to what was the hitch in examining him as a witness in the Court.

It has been argued on behalf of the workmen concerned that a copy of the settlement had not been forwarded to the Government as required under Rule 58 of the Industrial Disputes Rules, 1958 and, therefore, this could not be considered to be a valid settlement under section 18(i) of the Industrial Disputes Act, 1947. The contention is not warranted by the facts on record. According to the statement of Shri Kanwal Singh, Labour Officer-cum-Conciliation Officer M.W. 6, a copy of the settlement had been filed before him and the management had been directed to send a copy of the same to the Secretary to the Labour Department as well as to the Labour Commissioner. It has further been proved from the statement of Shri Ram Sarup Chanda, Assistant Labour Branch, Haryana that a copy of the said settlement had been received in that office.

Still another argument has been advanced on behalf of the workmen that under rule 58(4) a copy of the settlement should have been jointly sent to the Government by the parties and not by the management alone. No such plea was raised by the workmen in the statement of claim filed in the case and the requirement of rule 58 having substantially been satisfied as discussed above, the settlement in question can not be held to be inoperative or not binding upon the parties concerned due to any such defect.

So, taking into consideration all the facts and the circumstances of the case discussed above, I am of the considered view that the workmen concerned have, infact, settled their disputes with the management as per the terms and conditions given in the memorandum of settlement, dated 17th July, 1971 Ex. M.1 which was genuinely arrived at in the presence of the Labour Officer-cum-Conciliation Officer and that they had received their dues, in full and final settlement, of their entire claims giving up their right of reinstatement or re-employment as per their own applications and payment vouchers proved in the case. That disposes of issues Nos. 2 and 3 which are decided in favour of the management and against the workmen. Issue No. 1 has not been pressed and is, therefore, held against the management.

In view of my above findings on issues Nos. 2 and 3, it is not necessary to go into the merits of the case regarding the termination of the services of the workmen concerned for the simple and obvious reason that the dispute having amicably been settled by them with the management no longer services to call for any decision on this issue. The workmen concerned having received the dues in full and final settlement of their entire claims against the management including the right of re-instatement or re-employment, are not entitled to any relief in the present reference. The award is accordingly made but without any order as to costs.

Dated the 31st October, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2571, dated the 1st November, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.